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ATTACHMENT C

June 30, 2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 11 of House Bill No. 4800, "An Act Making Appropriations for the Fiscal Year 2011 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 11 subjects individuals or store owners who knowingly accept an electronic benefit cash assistance card for the purchase alcoholic beverages or tobacco products to criminal penalties: up to 2 ½ years in a jail or house of correction or a \$1,000 fine, or both. This is a heightened penalty from the 1-year sentence or \$250-500 fine, or both, for general welfare fraud. The section also imposes up to a 5-year sentence or \$25,000 fine, or both, for fraudulently obtaining welfare funds in excess of \$100, and a 1-year sentence or \$1,000 fine, or both, for fraudulently obtaining under \$100 worth of such funds. I do not object to the purposes of this section.

This section, however, incorrectly refers to imprisonment in a jail or house of correction for not more than 5 years, rendering this provision unenforceable as sentences over 2 ½ years can only be served in a state prison.

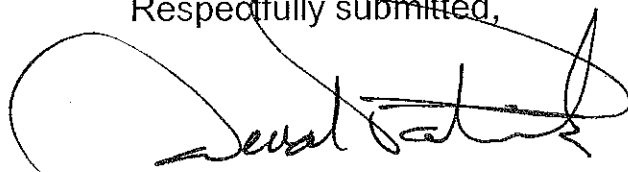
For this reason, I recommend that Section 11 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 11. Chapter 18 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5H the following 2 sections:-

Section 5I. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall not use direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by imprisonment in a jail or house of correction for not more than 2 ½ years or by a fine of not less than \$1,000, or both such fine and imprisonment.

Section 5J. Notwithstanding any general or special law to the contrary, whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, willfully misapplied, stolen or obtained by fraud shall, if such funds, assets or property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or imprisonment in a jail or house of correction for not more than 2 ½ years, or imprisonment in a state prison for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or property are of a value of less than \$100 by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Baker", is written over the "Respectfully submitted," text. The signature is stylized with a large, sweeping initial "D".